IV. SPECIAL REGULATIONS

A. GENERAL PARKING REGULATIONS

l. Basic Requirement:

It is the intention of this By-Law that all structures be provided with sufficient off-street parking space to meet the needs of persons employed at or making use of such structures; to ensure that any use of land involving the arrival, departure, or storage of motor vehicles on such land be so designed as to reduce hazards to pedestrians and abutters caused by the noise, fumes, and headlight glare of automobiles parking off the street; to reduce congestion in the streets and contribute to traffic safety by assuring adequate space for parking of motor vehicles off the street; and to provide necessary off-street loading space for all structures requiring the large-volume delivery of goods. No building permit or certificate of occupancy for (a) a new structure, or (b) a change in use, or (c) substantial alteration or substantial improvement of an existing structure shall be approved by the Building Commissioner unless off-street parking and loading facilities have been laid out and approved in accordance with the requirements set forth in this section.

2. Applicability

The regulations of this Article shall not apply to parking or loading facilities in existence or for which building permits have been issued before the first publication of notice of the Public Hearing on this By-Law, provided such facilities conformed with all applicable regulations in effect when established and provided the use of the structure served by the parking facility does not change. Any parking or loading facility accessory to a new or substantially altered or substantially improved structure, or accessory to a new use of an existing structure, or the new construction or expansion of a parking or loading facility shall be subject to the requirements of Section IV. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all special permits specified under Section IV.B. Off-Street Parking.

3. Reduction of Existing Spaces

Off-street parking and loading facilities provided in connection with an existing use on the effective date of this By-Law, or provided in accordance with this By-Law subsequent to such date, shall not be reduced in total extent after their provision, except when such reduction is in accordance with the requirements of this Section.

4. Conformance with Use Regulations

a. Means of Access

Access through a residential zone to non-residential zones shall be prohibited except by a public way.

b. Parking Facility

No land area shall be used for an off-street parking or loading facility which is accessory to a use or structure prohibited in the district in which the off-street parking or loading facility would be located.

B. OFF-STREET PARKING

1. Number of Spaces Required

a. Table of Off-Street Parking Regulations

Off-street parking facilities shall be provided for each type of use in accordance with the following table:

TABLE OF OFF-STREET PARKING REGULATIONS

PRINCIPAL USE	MINIMUM NUMBER OF PARKING SPACES ^{1,2}
Single-family Dwelling	2 per dwelling unit
Two-Family and Multi Family Dwellings	2 per dwelling unit; or 1 per bedroom, whichever is greater
Multifamily dwelling for the elderly; Congregate Housing	1 per dwelling unit; plus 1 space for visitor parking per (10) spaces of required resident parking
Lodging House; Hotel or Motel	1.25 per unit; plus 1 per two (2) employees
Golf Course or Country Club	50 per nine (9) holes; plus 1/2 the requirements for restaurant, club or recreation facility specified below
Entertainment, amusement or recreation facility ³ except theatre; Healthclub	 per three (3) occupants, or, in the case of a non-structural facility, per three (3) persons the facility is intended to accommodate
School or day care facility ⁴	1 per four (4)occupants; plus 1 per two (2) employees
Group residence ⁵	1 per three (3) occupants
Restaurants, clubs, theaters and other similar places of assembly; Cultural and Educational Centers	1 per three (3) occupants; plus 1 per two (2) employees
Fast Order Food Establishments	1 per two (2) occupants; plus 1 per two (2) employees
Nursing Home or other Residential Care Facility; Assisted Living Housing	1 per four (4) occupants; plus 1 per two (2) employees
Hospital; Geriatric Hospital; Nursing Care Facilities	1 per 750 s.f. of gross floor area
Church, Library, Museum or similar place of assembly	1 per eight (8) occupants; plus 1 per two (2) employees
Offices of a physician, veterinarian, chiropractor, or similar	1 per 150 s.f of gross floor area; or
medical practitioner; or clinic	3 per medical practitioner, whichever is greater
Non-Medical Offices	1 per 250 s.f. or gross floor area or 1 per two (2) employees, whichever is greater
Bank	 1 per 175 s.f. of gross floor area; plus 1 per 250 s.f. of gross floor area for areas not devoted to customer service
Commercial greenhouse, funeral home	1 per 50 s.f. of public floor area; plus 1 per two (2) employees
Barber shop or beauty parlor	3 per operator's station
Other personal, consumer and retail services	1 per 200 s.f. of gross floor area; plus 1 per employee
Regional Shopping Center (a center with at least 500,000 s.f. of gross leasable area ⁶	1 per 200 s.f. of gross leasable area
Auto repair or other workshop; sales or rental of motor vehicles	1 per 400 s.f. of gross floor area; plus 1 per employee
Gasoline service station	3 per service bay; plus 1 per employee

	As determined by the Planning Board, but not less than:			
Other business, institutional or professional uses not specified	1 per 200 s.f. of gross floor area; plus			
	1 per two (2) employees			
Wholesale or non-retail business; warehouse or other storage	1 per 1,200 s.f. of gross floor area; or			
facility	1 per employee, whichever is greater			
R&D establishment, manufacturing, industrial services, or	1 per 800 s.f. of gross floor area; or			
extractive industry	1 per employee, whichever is greater			
Other industrial and transportation year not specified	As determined by the Planning Board, but not less than:			
Other industrial and transportation uses not specified	1 per 250 s.f. of gross floor area			
Carwash	1 per employee			

ACCESSORY USES	MINIMUM NUMBER OF PARKING SPACES ^{7,8}		
Renting rooms or taking boarders in single family dwellings	1 per room offered for rent		
Dormitory ⁹	1 per bed		
Home occupation or home office	1 per room used for office, or occupation space; plus 1 per non-resident employee; plus 1 per duelling unit		
	1 per dwelling unit		

¹Gross Floor area is the sum of the area of all stories of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including any floor area below grade when used for residential, office, business, storage, industrial, or other purposes, but excluding any area used exclusively for heating, air conditioning or other mechanical equipment, and excluding floor area intended or designed for accessory off-street parking.

²When used to calculate the number of parking spaces required, occupants means design occupancy load as determined by the State Building Code and the number of employees shall be construed as the maximum number of persons employed on the premises at any one time.

³Any such facility intended primarily for children under driving age may provide only one-half the specified requirement.

⁵Group Residence is a residential, non-profit school which provides services substantially paid for by the Commonwealth of Massachusetts to six or fewer individuals who may be handicapped, disabled, or undergoing rehabilitation.

⁶Gross Leasable Area is the total floor area designed for tenant occupancy and exclusive use, including any basement, mezzanines, or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

⁷See Footnote #1

⁸See Footnote #2.

⁹See Footnote #3.

b. Common Parking Areas and Multiple Use Facilities

- (1) Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.
- (2) For the purpose of determining parking requirements, a facility which contains more than one use may be broken down into its constituent use components, with each use component treated as a principal use. The determination of how a multiple use facility shall be broken down into its constituent components shall be made by the Planning Board.

c. Reduction in Required Number of Parking Spaces

The number of required parking spaces in a facility may be reduced by Special Permit, in accordance with the requirements of Section V.E. of this By-Law, if the Special Permit Granting Authority determines that the reduced number will provide adequately for all uses served by the facility.

d. Fractional Numbers

Where the computation of the number of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

⁴See Footnote #3.

2. Location of Facilities

a. Proximity to Principal Use

Required off-street parking facilities shall be provided on the same lot or premises as the principal use they are intended to serve, or on a lot in the same ownership adjacent to such use. When practical difficulties, as determined by the Special Permit Granting Authority (SPGA), preclude their establishment on such lot or premises, the SPGA may, by special permit, following a public hearing, allow the establishment of such facilities on another lot. Where such facilities are not owned by the applicant, the applicant shall provide executed instruments establishing to the satisfaction of the SPGA that sufficient legal interest has been acquired in such premises to assure their availability for required parking as long as the use served is in existence.

b. Parking in Required Setbacks¹⁰

In districts requiring a front setback, no unenclosed parking area shall be allowed within ten feet of a front lot line except on a residential driveway. In districts where no front setback is required, parking areas shall be set back at least five feet from the front lot line. Parking in an enclosed structure shall not be allowed in a required front setback but, for a structure less than 12 feet in height, may extend into a side setback from the buildable portion of the lot up to one-half the required side setback depth. Parking areas, except those associated with single family dwellings in residential districts, shall be set back at least five feet from the side lot lines in all other districts.

c. Setback from Building

No parking space shall be located within five feet of a building line.

d. Stalls for Oversize Vehicles

In cases where the parking of vans, buses, or other vehicles exceeding 8 feet in width and 18 feet in length is anticipated in connection with a proposed use, stalls for the parking of such vehicles shall be of such dimensions as to accommodate the specified type of vehicle.

e. Parking on Rights-of-Way

No parking area or aisles shall be laid out on land which is reserved as a vehicular right-of-way, whether developed or undeveloped and whether public or private.

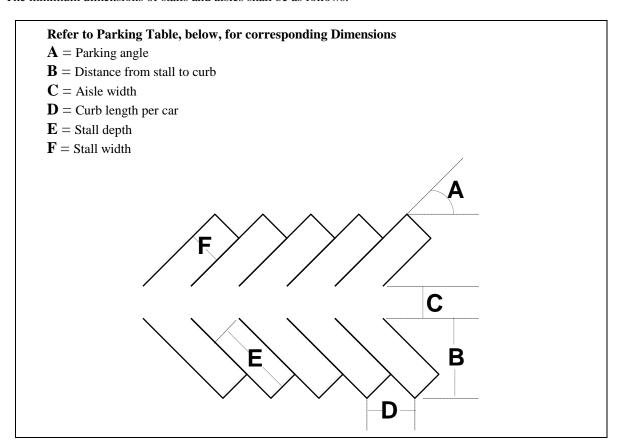
¹⁰A setback is the specified distance from a front or side lot line within which erection of buildings or structures is prohibited, except as permitted elsewhere in this By-Law.

3. Design Standards

All parking facilities shall comply with the following design standards:

a. Dimensions of Stalls and Aisles

The minimum dimensions of stalls and aisles shall be as follows:



PARKING TABLE

(linear measures in feet; angular measures in degrees; see notes at end of table for explanation of symbols)

A	В	\mathbf{C}^{11}	D	E	\mathbf{F}^{12}
Parallel	9.0	12.0	-	24.0	9.0
30	16.4	12.0	18.0	18.0	9.0
45	18.8	14.0	12.7	18.0	9.0
60	19.9	18.0	10.4	18.0	9.0
70	19.9	19.0	9.6	18.0	9.0
80	19.2	24.0	9.1	18.0	9.0
90	18.0	24.0	9.0	18.0	9.0

¹¹Providing access to stall for one-way use only. For two-way use, the minimum width shall be 20 feet or the aisle width required in column C above, whichever is greater.

¹²End stalls restricted on one or both sides by curbs, walls, fences, or other obstructions shall have a minimum width of ten feet, and maneuvering space at the aisle end of at least five feet in depth and nine feet in width.

b. Vehicular and Pedestrian Circulation

Pedestrian walkways, driveways, and parking areas shall be designed with respect to topography, integration with surrounding streets and pedestrian ways, number of access points to streets, general interior circulation, adequate width of drives, and separation of pedestrian and vehicular traffic so as to reduce hazards to pedestrians and motorists.

c. Stall Layout

Required parking facilities shall be designed so that each motor vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. The Planning Board may waive such requirement for parking facilities under full-time attendant supervision. In no case shall stalls be so located as to require the backing or maneuvering on to the sidewalk or into a public or private way upon entering or leaving the stall.

d. Entrance and Exit Driveway

For facilities containing fewer than five stalls, the minimum width of entrance and exit drives shall be 12 feet for one-way use and 18 feet for two-way use, and the maximum width 20 feet. Single family dwellings shall have a minimum driveway entrance of 12 feet. For facilities containing five or more stalls, such drives shall be a minimum of 12 feet wide for one-way use and 20 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the street line shall be 24 feet in Residential Districts and 30 feet in all other districts. The Planning Board may modify such width and radius limitations when a greater width would facilitate traffic flow and safety. All such driveways shall be located and designed so as to minimize conflict with traffic on public streets and provide good visibility and sight distances for the clear observation of approaching pedestrian and vehicular traffic. No portion of an entrance or exit driveway at the street line shall be closer than 25 feet from an intersection in a Residential District, or 35 feet from an intersection in any other District. Distance shall be measured from the edge of the driveway to the extension of the nearest street line of the intersecting street. In the case of a state highway, no Building Permit shall be issued until a State Entrance Permit has been issued for the current use.

e. Surfacing, Drainage, and Curbing

Parking areas shall be graded, surfaced with asphalt, concrete, or other suitable non-erosive material, and drained in a manner deemed adequate by the Planning Board to prevent nuisance of erosion or excessive water flow across public ways or abutting properties, and natural drainage courses shall be utilized insofar as possible. Design standards and specifications shall be those of Section VII.C. of the Rules and Regulations governing the subdivision of land in the Town of Framingham. Stalls shall be clearly marked to indicate the spaces to be occupied by each motor vehicle, in accordance with the dimensions specified in (a) above. Curbing, with the addition of guard rails wherever deemed necessary by the Planning Board, shall be placed at the edges of surfaced areas, except driveways, in order to protect landscaped areas and to prevent the parking of vehicles within required setback areas. Entrance and exit driveways shall be clearly defined by curb cuts, signs, and striping. All curbing installed within the public way of such driveways shall be of granite.

f. Lighting

Lighting shall not be directed or focused such as to cause direct light from the luminaire to be cast toward buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways. The luminaire shall be redirected, shielded, or its light output controlled as necessary to eliminate such conditions. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located. Further, lighting shall be designed to complement the character of the Town or neighborhood.

- 1. Wall Mounted Fixture The Planning Board may permit a wall mounted fixture attached to the exterior of a building or structure for area lighting at a maximum mounting height of fifteen feet (15') above the finished grade if the Planning Board determines such action is in the public interest. A Wall Mounted Fixture shall be shielded to control glare.
- 2. Pole Mounted Fixture The Planning Board may permit a pole mounted fixture height up to twenty-five feet (25') above the finished grade if the Planning Board determines such action is in the public interest. All bases shall be flush with the ground and located in landscaped areas setback a minimum of three feet (3') from the curbline. The Planning Board may permit lamp(s) of up to 1200 watts per pole mounted fixture and up to four (4) pole mounted fixtures per luminaire if the Planning Board determines such action is in the public interest.

- **3.** Ceiling Mounted Fixture A luminaire mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.
- **4.** Security Lighting Low-level lighting sufficient for the security of persons or property on the lot is permissible, provided the average illumination on the ground or on any vertical surface is not greater than one half (.5) footcandle.

Based upon the nature of the application the Planning Board may impose reasonable requirements or limitations to minimize the impacts on abutting properties or uses. The Planning Board reserves the right to limit and regulate the amount and timing of illumination on a project site.

g. Special Permit for Dimensional Relief to Off-Street Parking Design Standards

A special permit may be granted by the SPGA to alter the Design Standards for parking facilities as set forth under Section IV.B. 2., 3. and 4. Any space saved under a special permit for Dimensional Relief to Off Street Parking Design Standards shall be used for landscaped open space in addition to that required in the Zoning By-Law.

h. Handicapped Parking

Parking facilities shall provide specially designated parking stalls for the physically handicapped in accordance with the Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety or any agency superseding such agency. Handicapped stalls shall be clearly identified by a sign stating that such stalls are reserved for physically handicapped persons. Said stalls shall be located in that portion of the parking facility nearest the entrance to the use or structure which the parking facility serves. Adequate access for the handicapped from the parking facility to the structure shall be provided.

4. Landscaped Open Space in Parking Facility

a. Standards for Landscaping Within Parking Areas

- 1. Parking areas shall be broken into sections not to exceed one hundred forty (140) cars per section. Sections shall be separated by landscaped buffers to provide visual relief. At a minimum, the buffers shall consist of islands which shall be a combination of "divider islands" and "terminal islands".
- 2. Each landscaped island shall have a minimum area of one hundred fifty (150) square feet and shall consist of pervious landscaping. Curbing, at least five (5) inches in height, shall surround each landscaped island as protection from vehicles. No tree shall be planted less than four (4) feet from the curbing. Rain gardens shall be designed to meet LID standards and other applicable stormwater management Best Management Practices (BMP's) and may be designed without curbing where appropriate.
 - a) Divider Islands: The following additional design standards shall apply to divider islands:
 - (1) At least one landscaped divider island shall be provided for every four (4) parallel rows of parking.
 - (2) Trees shall be spaced not more than twenty-seven (27) feet on center.
 - (3) At least one (1) shrub shall be provided for every five (5) linear feet, or one (1) shrub per thirty-five (35) square feet of ground area, whichever results in a greater number of shrubs.
 - b) Terminal Islands: The following additional design standards apply to terminal islands:
 - (1) Terminal islands shall be used either (1) to separate parking spaces from driveways and other vehicular travel lanes, or (2) to break up large numbers of parking spaces in a single row of spaces.
 - (2) Landscaped terminal islands shall be provided at the ends of rows of parking where such rows are adjacent to driveways or vehicular travel lanes. In addition, terminal islands shall separate groups of parking spaces in a row, such that no continuous line of adjoining spaces contains more than twenty-five (25) parking spaces.
 - (3) As an alternative to separating groups of parking spaces with small internal terminal-islands, additional landscaped area may be provided. Such additional landscaped area shall be provided as additional depth in the buffer strip (above the minimum depth otherwise required in Section 8.b. above), terminal and divider islands

adjacent to rows exceeding twenty-five (25) spaces, and shall be provided at a ratio of at least 1.2:1.0. However, no more than thirty-five (35) adjoining parking spaces may be provided in a row of spaces, regardless of the size of the landscaped islands at the ends of the row.

- (4) Terminal islands shall contain at least two (2) trees when abutting a double row of parking spaces.
- (5) Landscaped terminal islands shall contain evergreen shrubs planted three (3) feet or less on center, in order to prevent damage due to pedestrian traffic.
- c) Grass or ground cover may be substituted for shrubs in divider islands and terminal islands with the approval of the Planning Board.
- **d**) Increase of impervious areas: Notwithstanding the limitation on paved areas set forth elsewhere in Section 8.h.1)b), a landscaped island may be up to thirty-three per cent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas.
- **e)** Use of porous paving materials: In order to minimize the amount of storm water runoff from paved areas, the use of porous paving materials is encouraged where feasible.

Site constraints shall be considered in applying the standards of Section IV.K.8, which may be waived in accordance with Section IV.K.10.c. Developments exempt from site plan review are encouraged to meet these standards.

b. Perimeter Landscaped Open Space

The required setback from lot lines specified for parking areas in Section IV.B.2.(b) shall consist entirely of landscaped open space.

c. Tree Requirement

Landscaping in off street parking areas with four parking spaces or fewer shall include at least two trees. Such trees shall be in accordance with Section IV.K.8.j. Standards for Plant Materials.

d. Protection From Damage

In order to preserve landscaped open space from damage by parking cars and snow removal operations, bumper overhang areas shall be provided with permeable ground cover that will not be damaged by bumpers or vehicle drippings and all landscaped open space shall be provided with suitable curbing.

e. Waiver

The Planning Board, with respect to existing parking lots and landscaped islands, may waive the provisions of Section IV.B.4.a., b., c., and d. if the Board determines that literal compliance is impracticable and the existing landscaped islands are consistent with the purpose of this By-Law.

5. Maintenance of Parking Areas

No required parking facility shall be used for servicing, repair, storage, or display of merchandise or vehicles for sale or rental or for any other purpose that interferes with its availability for required parking.

Parking facilities and required screens and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, barriers, markings, and planting materials shall be repaired or replaced with new materials to insure continued compliance with provisions of this Article. Failure to maintain the same shall be considered a violation of this By-Law and shall be subject to the enforcement procedures contained in Section V herein.

6. Applicability for Parking Structures and Small Facilities

Parking facilities provided in an enclosed structure shall be subject to the provisions of this Section, except for Sections IV.B.2.(c) and IV.B.4. Unenclosed parking facilities beneath a structure shall be subject to the provisions of this Section, except for Sections IV.B.2.(c), and such parking level shall be deemed to be a story when its ceiling is four feet six inches or more above finished grade. Any residential parking facility containing fewer than five stalls shall not be subject to Section IV.B.2(c), IV.B.3(c), and IV.B.4.

7. Special Provisions for Central Business District and Neighborhood Business District

a. Purpose

The purpose of this section is to further the intent of the Central Business (CB) district, which is to preserve the area as the Town's financial, civic, and government center, and to promote general and special retail uses in a compact area, and to further the intent of the Neighborhood Business District (B-1), which is to reinforce the historic development pattern of the Town's traditional commercial centers.

b. Exemptions

1. Exemption by Downtown Parking Relief Permit

In the Central Business District, a downtown parking relief permit may be granted by the Building Commissioner when an existing building is proposed for reuse, in order to provide parking regulation relief from the minimum number of spaces required in Section IV.B.1.(a) herein, and from the proximity requirements specified in Section IV.B.2.(a) herein. Such downtown parking relief permit may be obtained, following application to the Building Commissioner, only under the following circumstances: (1) the floor area of the building to be reused has not been increased; (2) the proposed reuse occupies less than 8,000 square feet of floor area; (3) the proposed reuse results in the requirement for no more than ten parking spaces above the number of spaces required under this By-Law prior to the proposed reuse; (4) no physical alteration to an existing parking lot or facility is proposed; and (5) the proposed reuse is not subject to Section IV.I. Site Plan Review under the Planning Board. Decisions under this subsection by the Building Commissioner may be appealed to the Planning Board via an application for a special permit, as provided below. All other requests for parking relief from the required number of parking spaces and parking proximity requirements in the Central Business District shall be by special permit as provided below.

2. Exemption by Special Permit

In the Central Business district and Neighborhood Business District a special permit may be granted to exempt parking facilities from the minimum number of spaces required in Section IV.B.1(a) herein, and from the proximity requirements specified in Section IV.B.2(a) herein. The Planning Board shall be the Special Permit Granting Authority (SPGA) for special permits under this section.

c. Contents of Application

- 1. An application for a special permit under this section shall include a Parking Plan including all information specified in Section IV.I.5, paragraph 1. herein, regardless of the number of parking spaces proposed to be provided; or, if the proposed development is subject to the Site Plan Review provisions of this By-Law under Section IV.I.2.b. or 2.c, an application for Site Plan Review containing all information specified in Section IV.I.5.
- 2. Where off-street parking facilities are to be provided upon private premises not owned by the applicant, an application for a special permit under this section shall also include executed instruments establishing to the satisfaction of Town Counsel that the applicant has sufficient legal interest in such premises to assure their permanent availability for off-street parking in connection with the proposed use.

d. Procedure for Special Permit

- 1. The procedure for application, review, hearing, and decision shall be in accordance with the procedure for all special permits as set forth in this By-Law.
- 2. The public notice and hearing process required for the special permit application shall be concurrent with the Planning Board's Site Plan Review, if applicable. In the case of a proposed development subject to Site Plan Review, the Planning Board shall hold a combined public hearing for both the special permit and the site plan review application.

e. Conditions for Approval of Special Permit

The SPGA shall not approve an application for a special permit under this section unless it finds that in its judgment all of the following conditions are met:

- 1. The exemptions requested are consistent with the conditions for all special permits specified in Section V.E.3.(a) of this By-Law.
- **2.** There are adequate parking facilities of reasonable proximity to the premises.

f. Effect of Special Permit

A special permit granted under this section shall constitute the granting of an exemption from the minimum number of spaces requirement, or the proximity requirement, or both; and shall be deemed to be based on a specific plan or application for Site Plan Review, as applicable. Subsequent amendments to the approved plan or Site Plan Approval require amendment of the special permit.

C. OFF-STREET LOADING

1. Applicability

The requirements of this section shall apply to individual users of new and substantially altered structures, provided that when a building existing on the effective date of this By-Law is altered or expanded so as to increase the gross floor area by at least 5,000 square feet, only the additional gross floor area shall be counted toward the off-street loading requirements.

2. Table of Off-Street Loading Regulations

Principal Use	First loading facility required for area shown below	One additional loading facility required for area shown below			
Institutional Uses					
Dormitory and Hotel or Motel					
Recreation and Entertainment	10,000	50,000			
Uses					
Restaurant and Fast Food					
Office Uses	15,000	50,000			
Retail Services	5,000	20,000			
Personal and Consumer Services					
Vehicular Services	5,000	25,000			
Industrial Uses					
Wholesale and Storage Uses	10,000	25,000			

3. Location and Design

Off-street loading facilities shall be located and designed in the following manner:

a. Loading Bays

Each required loading space shall be at least 12 feet wide and 25 feet long, exclusive of drives and maneuvering space, and shall be located entirely on the lot being served. All lighting, surfacing, drainage, and maintenance of loading facilities shall be provided in the same manner as off-street parking facilities, as specified in Section IV.B.3 (e) and (f), and Section IV.B.5. Loading bays shall be enclosed in a structure if located within 50 ft. of a Residential District and if the use served by such bay(s) involves regular night operations, such as a restaurant bakery, hotel, bottling plants, or similar use.

b. Exemption by Special Permit

The Planning Board may modify by special permit the provisions of this section if said Board determines that literal compliance is impracticable due to the nature of the use or the location, dimensions, or grade of the lot.

D. SERVICE STATIONS AND OUTDOOR AUTO SALES

Gasoline service stations and outdoor automobile rental or sale, and storage for rental or sale shall be designed according to the following standards:

1. Location and Width of Driveways

No portion of a driveway at the street line shall be closer than 10 feet from a side lot line or 20 feet from any portion of another driveway on the same lot. The maximum width of driveways at the lot line shall be 30 feet and the minimum width, 20 feet. The minimum curb radius shall be 15 feet.

2. Dimensional and Landscaping Regulations

Such facilities shall be required to provide year-round opaque screening; comprised of walls, fences, berms, or evergreen plantings; where such facilities abut residential districts or residential uses. In the case of outdoor automobile rental or sale, and storage for rental or sale, such outdoor facilities shall also be subject to the landscaping requirements for parking facilities, as specified in Section IV.B.4.

3. Curbing, Surfacing, and Lighting

A raised curb at least 6 inches high shall be constructed along all lot lines abutting a street except at driveway openings. The area of the lot not landscaped or occupied by structures shall be graded, surfaced with asphalt or other suitable material and drained in a manner deemed adequate by the Planning Board to prevent nuisances or erosion or excessive water flows onto any other property or street. All illumination on outdoor areas and sales lots shall be shielded so as to prevent direct glare onto any other property or street.

4. Access and Circulation

Gasoline Service Stations (with or without an allowed accessory use) shall have adequate access, circulation, and vehicle storage for queues, which will not conflict with other uses. Gasoline service stations (with or without an allowed accessory use) may not gain their access through a parking lot serving another separate use. Access and circulation for a gasoline service station (with or without an allowed accessory use) must be clearly defined and separated from off-street parking areas serving other uses, so that there will not be a circulation conflict.

E. FUR FARMS AND KENNELS

The breeding and raising of fur-bearing animals and dogs and the maintenance of kennels for the boarding of dogs may be permitted in any district by the Board of Appeals, subject to such terms and conditions as the Board of Appeals may impose from time to time.

F. ACCESSORY USES

Accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood.

Any use permitted as a principal use is also permitted as an accessory use provided such use is incidental to and customarily found in connection with the principal use, building or structure and which is located on the same lot with the primary use, building or structure. Any use authorized as a principal use by a Special Permit Granting Authority may also be authorized as an accessory use by the same Special Permit Granting Authority provided such use is incidental to and customarily found in connection with the principal use, building or structure on the same lot with the primary use or building.

Any use not allowed in a zoning district as a principal use is also prohibited as an accessory use. An accessory use is permitted only in connection with a lawfully existing principal use. A use or activity not prescribed or permitted in the zoning district shall be expressly prohibited.

In any instance where site plan review approval is required for a principal use, the addition of any new use accessory to the principal use, where such addition exceeds the thresholds established in Section IV.I.2., shall also require site plan review approval as amended from time to time.

G. DIMENSIONAL REGULATIONS

1. General Requirement

No division of land shall be made which results in the creation of any lot having dimensions smaller than the minimum required by this Section for the building or use located thereon within the district in which such lot is located.

2. Table of Dimensional Regulations

Minimum lot area, frontage, lot width, setbacks and open space, and maximum height, lot coverage and floor area shall be as specified in the following table of Dimensional Regulations, subject to the further provisions of this Section:

		Lot Minimum		Minimum Setback		Minimum Landscaped	Building Maximums		
District	Principal Building or Use	Area (s.f.)	Frontage (ft.)	Front ⁺ (ft.)	Side (ft.)	Open Space Surface Ratio	Height	Lot Coverage	Floor Area Ratio
Single Residence	Timerpar bunding or esc	(3.1.)	(11.)	(11.)	(11.)	Surface Ratio		Coverage	Katio
R-4	One-family or two-family detached dwellings Any other principal use	43,560 43,560	100 150	30 or more 30 or more	30 30	50% 50%	3/35 3/35	15% 15%	
R-3	One-family or two-family detached dwellings Any other principal use	20,000 43,560	100 150	30 or more 30 or more	15 30	40% 50%	3/35 3/35	25% 15%	
R-2	One-family or two-family detached dwelling Any other principal use	12,000 43,560	65 150	30 or more 30 or more	12 30	35% 50%	3/35 3/35	30% 15%	
R-1	One-family or two-family detached dwelling Any other principal use	8,000 43,560	65 150	30 or more 30 or more	10 30	30% 50%	3/35 3/35	35% 15%	
General Residence G	One-family or two-family detached dwelling Any other principal use	8,000 43,560	65 150	30 or more 30 or more	10 30	30% 50%	3/40 3/40	35% 15%	-
Neighborhood Bus B-1	Any residential use Any other principal use	8,000 4,000	65 -	30 or more	10	30% 5%*****	3/40 3/40	35% 33%	-
Community Bus B-2	Any residential use Any other principal use	8,000 8,000	65 65	30 or more 25	10 15	30% 20%	3/40 3/40	35%	0.32
General Bus B-3	Any residential use Any other principal use	8,000 8,000	65 65	30 or more 25	10 15	30% 20%	3/40 3/40	35%	0.32
General Bus	Any residential use	8,000	65	30 or more	10	30%	3/40	35%	-
B-4 Business	Any other principal use Any non-residential use	10,000 6,000	65 50	25 25	15 15	20%	6/80	-	0.32
B Central Business	Any residential use Any residential use	8,000 8,000	65 65	30 or more	10	30% 30%	3/40	35% 35%	-
СВ	Any other principal or mixed use	-	-	10**	-	5%***	6/80	60%	2.0
Office/Professional P	Residential structure Any other principal use	8,000 6,000	65 50	30 or more 30 or more	15 15	30% 20%	3/40 3/40	35% 20%	0.32
Planned Re-use PR	One-family or two-family detached dwellings Other uses permissible	20,000	100	30 or more	15	40%	3/40	25%	-
*****	in Single Res. Districts	43,560	150	30 or more	30	50%	3/40	25%	-
Light Manufacturing M-1	Any non-residential use Any residential use	6,000 8,000	50 65	50 30 or more	15 10	20% 30%	6/80 3/40	35%	0.32
General Manufacturing M	Any non-residential use Any residential use	6,000 8,000	50 65	50 30 or more	15 10	20% 30%	6/80 3/40	35%	0.32
Open Space/ Recreation OR	Golf course or country club Any other principal use	50 ac. 5 ac.	200 200	100 100	100 100	90% 80%	3/40 3/40	5% 10%	- -
Geriatric/Elderly G/E [#]	Any Principal Use	3.5 ac.	200	20	15	-	3/40		0.32
Technology Park TP ^{\$}	Any Principal Use	43,560	100	30	15	-	6/100	-	_

3. Lot Area Regulations

a. Lot Area Requirement

Where a minimum lot area is specified in Section IV.G.2., no principal building or use shall be located on any lot of lesser area (such minimum lot area to be determined as set forth in these Lot Area Regulations, Section IV.G.3.), except as may be permitted hereinafter; and no such area shall include any portion of a street.

b. Residential Area Districts

The Single Residence and General Residence Districts are divided into four Area Districts, as follows:

- Area District No. 1, 2A and 2B (R-4);
- Area District No. 2C, 2D and 2E (R-3);
- Area District No. 3 (R-2); and
- Area District No. 4 (R-1 and G).

c. Irregularly-Shaped Lots

When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall be excluded from the computation of the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet in such cases where the Minimum Lot Area is less than 20,000 square feet, as set forth in the Table of Dimensional Regulations, Section IV.G.2. Otherwise, when the distance between any two points is less than 80 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall be excluded from the computation of the minimum lot area, unless the distance along such lot lines between such two points is less than 240 feet. In all cases, the principal use shall not be located on such excluded area of the lot.

d. Uplands Area Requirement

For the purpose of this Section, any lot laid out to be a buildable lot must contain upland area totaling at least 100 percent of the minimum lot area requirement for the zoning district in which the land is situated. In addition, a minimum of 70 percent of the required minimum lot area must be contiguous upland area, and shall be the location for the principal structure on the lot. Portions of a lot excluded from the computation of a minimum lot area, as provided under subsections IV.G.3.c., above, shall not be used to meet the upland area requirements, herein.

A lot for single or two family residential use, shall be exempt from this subsection d. Uplands Area Requirement, provided such lot conformed to all zoning requirements at the time of recording or endorsement.

The term "upland" is defined herein as land which is not "Land under Water Bodies and Waterways", "Freshwater Wetlands", or "Vernal Pool Habitat" as set forth in the Framingham Wetlands Protection By-Law [Town of Framingham By-Laws Article V, Section 18.2], as well as land which is not an area of special flood hazard, as described under subsection III.H.1.. herein.

e. Moderate Slope Requirement

For the purpose of this Section, any lot laid out to be a buildable lot must contain 100 percent of the minimum lot area requirement for the zoning district in which the land is situated, excluding areas that are greater than the moderate slope requirement defined herein. In addition, a minimum of 70 percent of the required minimum lot area must be contiguous, and shall be the location for the principal structure on the lot. Portions of a lot excluded from the computation of a minimum lot area, as provided under subsections IV.G.3.c.and d., above, shall not be used to meet the moderate slope requirement, herein.

⁺ Where shown as "30 or more" the minimum front setback shall be 30 feet from the sideline of a street over 40 feet in width, and 50 feet from the center line of a street 40 feet or less in width.

^{**} Minimum front setback as regulated, except where building lines have already been established in which case building lines must be maintained; to be used for landscaping, pedestrian and vehicular access. Additional uses within the front setback in the CBD are listed under Section IV.G.11.a., herein. No parking in the front setback.

A portion of this requirement may be provided in the public right of way (street trees, etc.)

^{*} See §IV.G.10 for additional Dimensional Regulations for Geriatric Care/Elderly Housing District Uses, including regulations on setback requirements, floor area ratio calculations, and minimum landscape open space requirements within this district.

See \$III.L.5 and III.L.7 for additional Dimensional Regulations for Technology Park District uses, including floor area ratio regulations and minimum landscaped open space requirements within this District.

A lot for single or two family residential use shall be exempt from this Section e. Moderate Slope Requirement, provided such lot conformed to all zoning requirements at the time of the recording or endorsement.

The term "moderate slope" is defined and measured by the procedure as prescribed herein as all areas of the lot with slopes natural and unaltered less than or equal to twenty percent (20%) over a horizontal distance of 100 feet, as measured perpendicular to the contour line as prescribed herein.

4. Lot Frontage and Width Regulations

a. Lot Frontage Requirement

Where a minimum lot frontage is specified in Section IV.G.2., no principal building or use shall be located on a lot which fronts a lesser distance on a way or street. No principal building or use shall be constructed or located on a lot unless adequate vehicular access exists or can be constructed to the buildable portion of the lot, proposed structure or use from the way or street providing the minimum lot frontage required by Section IV.G.2. Vehicular access shall be provided from the lot frontage to the principal building or use, provided that the Planning Board by Special Permit may allow an alternative vehicular access to the lot. A lawful pre-existing lot for single or two family residential use that pre-dates the enactment of this section, shall be exempt from this lot access requirement, provided such lot conformed to all zoning requirements at the time of recording or endorsement.

b. Lot Width Requirement

Each lot shall have a width such that the center of a circle having a minimum diameter of 80% of the required frontage of the lot can be passed along a continuous line from the sideline of the street along which the frontage of the lot is measured to any point of the building or proposed building on the lot without the circumference intersecting any side lot line.

In addition, each lot shall have a width such that the entire portion of the parcel from the lot frontage to the required front setback line shall have a minimum width equal to the required lot frontage as specified in Section IV.G.2., and such that the portion of the lot where any line passes through a principal building on the lot shall also have a minimum width equal to the required lot frontage as specified in Section IV.G.2.

5. Setback Regulations

a. Front and Side Setback Requirements

Where a minimum depth of setback is specified in Section IV.G.2., no building or structure shall be erected within the specified distance from the applicable lot line, except as permitted hereinafter.

b. Projections into Setbacks

1. Uncovered steps and ramps, and walls and fences no greater than six feet in height above the natural grade, may be permitted in a setback.

c. Corner Clearance

In any district where a front setback is required, no building, fence or other structure may be erected and no vegetation may be maintained between a plane two and one-half feet above curb level and a plane seven feet above curb level within that part of the lot bounded by the sidelines of intersecting streets and a straight line joining points on such sidelines 25 feet distant from the point of intersection of such sidelines or extensions thereof.

d. Side Setback Abutting Residential District

Where a side lot line of a lot in a non-residential district, abuts a Single Residence or General Residence Zoning District, there shall be a minimum side setback requirement for buildings on such lot of 30 feet; except in the Central Business (CB) or Neighborhood Business (B-1) Districts, where such minimum side setback requirement for buildings on such lot shall be 10 feet. This setback regulation for such lot in a non-residential district shall not be applicable if such lot is for a single family or two family residential use."

e. Determination of Lot Lines

Where the designation of a front or side lot line for the purpose of determining required yards is unclear because of the particular shape or type of lot, the Building Commissioner shall designate the appropriate front or side lot line.

f. Exception for Existing Alignment

In Single Residence, General Residence and Office and Professional Districts, if the alignment of existing principal buildings on adjacent lots on each side of a lot fronting the same street in the same district is nearer to the street line than the required front setback, the average of the existing alignments of all such buildings within 200 feet of said lot shall be the required front setback.

g. Special Permit for Limited Accessory Structures

- 1. **Limited Accessory Structures** A structure that does not require a building permit, including but not limited to, a shed, dog house, pool house, oil or natural gas tank covers, wood storage bins, or any other similar accessory structure.
- 2. The Zoning Board of Appeals may authorize by Special Permit the placement of Limited Accessory Structures within the minimum side setback, provide that the board can find that the structure is in keeping with, and not substantially detrimental to, the surrounding neighborhood.
- 3. Dimensional Regulations for Limited Accessory Structures A Limited Accessory Structure:
 - a. Shall be no larger than 120 square feet of gross floor area,
 - **b.** Shall not be more than twelve (12) feet in height as measured from the average natural grade at a distance of up to three (3) feet from the structure,
 - c. Shall not be located within the required front setback or any closer to that setback than the primary structure.
 - **d.** For a residential use, the accessory structure may be located at a distance from the lot line not less than one-third (1/3) of the required minimum side setback.
 - **e.** For a non-residential use, the accessory structure may be located at a distance from the lot line not less than one-half (1/2) of the required minimum side setback.
- 4. No more than three (3) Limited Accessory Structure shall be permitted within the required side setbacks on any one lot.

6. Open Space Regulations

a. Open Space Requirement

Where a minimum percentage of open space is specified in Section IV.G.2., no principal building or use shall be located or substantially altered on any lot in which such space is not provided.

b. Open Space in Front Setback

In any district where a front setback is required, landscaped open space ten feet in depth shall be provided along the entire width of the lot at the front lot line. Said strip may be interrupted by necessary vehicular and walkway entrances and exits.

c. Usable Open Space for One-family and Two-family Dwellings

All one-family and two-family detached dwellings shall have a minimum of 800 square feet of usable open space per bedroom.

d. Open Space in Setback Abutting Residential District or Uses

In any district where a non-residential use abuts or faces a residential zoning district or a single family or two family use, a landscaped open space buffer at a minimum depth of 15 feet, shall be provided and maintained in order to separate, both physically and visually, the residential use from the non-residential use; except in the Central Business (CB) or Neighborhood Business (B-1) Districts where such minimum open space depth shall be 5 feet. The landscaped open space buffer strip shall be continuous except for required vehicular access and pedestrian circulation.

The buffer strip shall include a combination of deciduous and/or evergreen trees and lower-level elements such as shrubs, hedges, grass, ground cover, fences, planted berms, and brick or stone walls. Such open space buffer strips shall provide a strong visual barrier between uses at pedestrian level and shall create a strong impression of spatial separation.

e. Landscaping Requirement

In every district and for all uses and structures, which are subject to site plan review, landscaping shall be provided in accordance with the purpose, intent, objectives and standards of Section IV.K.8. of this By-Law, as feasible. All offstreet parking plans and site plans, required under Sections IV.B. or IV.I. shall include a landscape plan and planting schedule prepared by a registered landscape architect. Landscaped buffer strips along street right of ways shall be in accordance with this Section IV.G.6. Open Space Regulations, except in Districts where a larger buffer is required. Site constraints shall be considered in applying the standards of Section IV.K.8, which may be waived in accordance with Section IV.K.10.c.

7. Building Height and Bulk Regulations

a. Maximum Height Requirement

Where a maximum height of buildings is specified in Section IV.G.2., no building or part of a building shall exceed the specified number of stories and furthermore, no building or part of a building shall exceed the specified feet above average finished grade, except as permitted hereinafter.

b. Exceptions to Maximum Height Requirement

- 1. The maximum height requirement specified in Section IV.G.2. shall not apply to accessory structures or appurtenances normally built above the roof level and necessary for the operation of the building or use. Such structures shall not be intended for human occupancy, and shall be erected only to serve the purpose for which they are intended. These structures include but are not limited to chimneys, penthouses for stairways and elevators, mechanical installations, and screening and parapets. Accessory structures or appurtenances may be built twenty-five percent above the maximum building roofline in the Technology Park and fifteen percent above the maximum building roofline in all other zoning districts, except in the Single Residence Districts R-1, R-2, R-3, and R-4, and General Residence Districts.
- **2.** Steeples, monuments and towers not used for communication purposes and not intended for occupancy may be erected to a greater height than specified by Section IV.G.2 if a special permit is granted by the Zoning Board of Appeals after a public hearing.
- **3.** Accessory structures above the building roofline shall be screened on all sides of the accessory structure, except as required for clearances by the building code. The design of the screen shall be incorporated into the architectural features of the building and constructed of a material and color compatible with other elements of the building.

c. Bulk (Lot Coverage and Floor Area) Requirements

For any building or group of buildings on a lot, including accessory buildings, the percentage of the lot covered by such buildings (Lot Coverage) or the ratio of the gross floor area of the building to the area of the lot (Floor Area Ratio) shall not exceed the maximum specified in Section IV.G.2.

d. Height Requirements Near Residential Districts

In addition to the height limitations as set forth under subsection a. and subsection b. herein, the following additional requirements shall apply for all buildings (except for those in single-family or two family use), in non-residential zoning districts, when such building is in close proximity to a single residence or general residence zoning district.

- 1. Buildings located less than 50 feet from a single residence or general residence district shall be a maximum of 30 feet in height above finished grade.
- 2. In the Central Business District (CB) and Neighborhood Business District (B-1), buildings located less than 50 feet from a single residence or general residence district may be exempted by the above height restriction, up to a maximum of 40 feet in height above finished grade, by special permit, in accordance with the requirements of Section V.E. of this By-Law, if the Special Permit Granting Authority determines that the proposed building would be consistent with the historic development pattern of the existing commercial center of the area, and that such building would not be more intrusive on the residential district than a building 30 feet in height. The Planning Board shall be the Special Permit Granting Authority under this subsection.
- 3. In all non-residential zoning districts where the maximum building height for a use is designated as 6 stories and 80 feet above finished grade, as specified in Section IV.G.2. Table of Dimensional Regulations, the following height requirement shall apply when such use is in close proximity to a single residence or general residence zoning district:

DISTANCE FROM RESIDENTIAL DISTRICT	BUILDING HEIGHT
equal to or greater than 50 but less than 200 feet	40 feet.
equal to or greater than 200 but less than 300 feet	50 feet.
equal to or greater than 300 but less than 400 feet	60 feet.
equal to or greater than 400 feet	80 feet

For the purposes of this subsection, when a zone line runs along a street, the width of the right of way of the street shall be included in the calculation for distance from a residential zoning district.

8. Exemptions from Dimensional Regulations

a. Single Lot Exemption for Single and Two-Family Use

A lot for single or two-family residential use shall be exempt from any increase in area, frontage, width, setback (i.e., yard), lot coverage or depth requirements resulting from the adoption or amendment of this By-Law, provided that:

- The lot was not held in common ownership with any adjoining land at the time of recording or endorsement, whichever occurs sooner;
- 2. The lot conformed to existing zoning requirements at such time;
- 3. The lot has at least 5,000 square feet of area and at least 50 feet of frontage; and
- **4.** The lot conforms to the open space and lot coverage requirements and to any other provisions of this By-Law except for lot area, frontage and setback requirements.

b. Common Lot Exemption for Single and Two-Family Use

A lot for single or two-family residential use shall be exempt from any increase in area, frontage, width, setback (i.e., yard), lot coverage or depth requirements resulting from the adoption or amendment of this By-Law for five years from the effective date of such adoption or amendment, provided that:

- 1. The plan for such lot was recorded or endorsed as of January 1, 1976;
- 2. The lot was held in common ownership with any adjoining land as of January 1, 1976;
- **3.** The lot conformed to the existing zoning requirements as of January 1, 1976;
- **4.** The lot has at least 7,500 square feet of area and at least 75 feet of frontage.

This exemption shall not apply to more than three such adjoining lots held in common ownership.

c. Single and Two Family Residential Structure

Alteration, reconstruction, extension or structural change (collectively "alteration") to a non-conforming single or two family residential structure, which is considered a non-conforming structure due to its location on a lot with insufficient area, width and/or frontage, shall not be considered an increase in the non-conforming nature of the structure and shall be permitted by right if, at the time of application, the structure and alteration will comply with all then current open space, lot coverage and building height requirements, and the alteration will comply with all then current setback requirements, as set forth in Section IV.G. of these By-Laws, and further provided that such alteration does not result in the conversion of a structure from a single family use to a two-family use.

9. Dimensional Regulations for Geriatric Care/Elderly Housing District Uses

a. Special Setback Requirements

Buildings on adjoining lots within the Geriatric Care/Elderly Housing District must meet the setback requirements specified by Section IV.G.2. for the district, but may be integrated with walkways and breezeways which interconnect buildings and provide pedestrian connections. Further, a minimum setback from the Geriatric Care/Elderly Housing District Boundary Line shall be as follows: 70 foot setback for a one-story or two-story building within the District, and 100 feet setback if building exceeds 2 stories, but a 50 foot setback from an Open Space District Boundary Line, regardless of height.

b. Floor Area Ratio Calculation Exemptions

Floor area ratio calculations within a Geriatric Care/Elderly Housing District shall not include the gross floor area of garages, attics, and basements of Independent Living Housing units which are not designed to be used or occupied as living areas.

c. Open Space Requirements in the District

Minimum Landscaped Open Space shall be 30 percent of the total Lot Area.

10. Dimensional Regulations and Design Guidelines in the Central Business District

a. Special Setback Requirements

- 1. Minimum front setback requirements shall be as regulated, except in areas where building lines have already been established, in which case building lines must be maintained.
- 2. No parking is permitted in the front setback area. The front setback may be used for landscaping and open space, cafes (when approved by special permit), pedestrian uses and access, and vehicular access only.

b. Design Standards

- 1. New construction or exterior renovation of existing structures in the Central Business District shall maintain a sense of history, pedestrian scale and pedestrian oriented character in order to enhance the quality of development in the District.
- 2. The Planning Board may require applicants, in need of a special permit for use in the Central Business District, to utilize façade easements in order to protect the values -of historic structures. Such requirement would be applicable only where a development proposal, associated with such special permit, would result in the demolition or major exterior renovation of buildings, which are listed on the Inventory of Cultural Resources or are in a National Register District.

H. SUPPLEMENTAL REGULATIONS

1. Trailers

- **a.** No automotive type of trailer, whether mobile or immobile, hereafter put in place upon any land within the Town of Framingham, shall be occupied for living purposes or business purposes for a period exceeding 30 days in the aggregate in any one year, except as may be permitted hereinafter.
- **b.** The Zoning Board of Appeals, in its discretion, may permit such use on a temporary basis for a longer period, after formal application to said Board and after a duly advertised public hearing.
- **c.** Temporary on-site trailers used for construction purposes shall be exempt from the provisions of this Section, but shall be subject to Section 314 of the State Building Code.

2. Land Disturbance

a. Purpose

The purpose of this by-law is to protect natural resources including but not limited to land, water, wetlands, trees and vegetation, wildlife, and scenic vistas and historic resources and to prevent or minimize the negative impacts of Erosion, Sedimentation, Clearing, Earth Removal and Fill, Earth Moving and Stormwater Runoff both on and off of the project site.

b. Definitions

Best Management Practice (BMP): A structural, nonstructural, or vegetative measure which reduces Erosion, Sediment, peak storm discharge, and/or improves the quality of Stormwater Runoff as described in the Stormwater Management Handbook and any other applicable local regulations.

Clearing: Removal or causing to be removed or destroyed, through either direct or indirect actions, trees six inches (6") in diameter or larger at four and a half feet (4 ½') above the ground (DBH) and shrubs at four feet (4') tall or taller. Actions considered to be Clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any Filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

Diameter Breast Height (DBH): The diameter of the trunk of a tree four and a half feet $(4 \frac{1}{2})$ above the existing grade at the base of the tree.

Disturbed Area: An area, man-made or natural, where the existing condition has been or is proposed to be altered.

Earth Fill: The addition of earth materials to a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Earth Moving: The addition, removal or relocation of earth materials within the boundaries of a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Earth Removal: The removal of earth materials from a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Erosion: A condition in which the earth's surface, including vegetation, soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

Fill: Any Fill used in connection with this project shall be clean Fill and may not contain any trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, asphalt, concrete, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

Hazardous Tree: A tree with a structural defect or disease, or that impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as verified by a certified arborist or Town Tree Warden.

Landscaping: Improvements made to a Lot or parcel through treatment of the ground surface with planting materials including but not limited to trees, shrubs, grass, ground cover or other growing horticultural material, as well as wood chips, stone or decorative rock.

Lot: For the purposes of this Land Disturbance By-Law, Lot shall be defined as an area of land in one ownership, with definite boundaries ascertainable by recorded deed or recorded plan and not divided by a public street or public way, including land under the control of the same person and land under the ownership of related or jointly owned entities, in existence as of the effective date of this Land Disturbance By-Law.

Sediment: Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by Erosion.

Significant Forest Community: Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat areas.

Slope: Any elevation change across a horizontal distance of one hundred feet (100'), as measured perpendicular to the contour line. For Lots lacking a horizontal distance of one hundred feet (100'), the Slope will be calculated as any elevation change across a horizontal distance of fifty feet (50'), as measured perpendicular to the contour line.

Soil Disturbance: Clearing, grading, regrading, excavation, stockpiling or Filling of six inches or more.

Specimen Tree: A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic or cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a diameter of eighteen inches (18") at DBH or larger is presumed to be a Specimen Tree. Trees that have a small height at maturity or are slow growing, such as Flowering Dogwood or American Holly, with a diameter of six inches (6") at two feet (2') above the ground or larger are presumed to be considered Specimen Trees.

Stabilization: The elimination and prevention of Erosion.

Stormwater Management Handbook: "Stormwater Management Handbook," Volume One and Volume Two, prepared by the Massachusetts Department of Environmental Protection and the Massachusetts Office of Coastal Zone Management dated March 1997 as the same may be from time to time revised.

Stormwater Runoff: Water from precipitation or snow melt that does not evaporate or infiltrate into the ground.

c. Applicability

(1) Land Disturbance Permit

This By-Law shall apply to any proposed Land Disturbance activity on all existing Lots and new Lots created by plan as follows:

- (a) Any Soil Disturbance greater than 4,000 square feet on an existing or proposed Slope of more than fifteen percent (15%);
- **(b)** Any Earth Removal or Earth Fill of more than 400 cubic yards:

- (c) Any Earth Moving activity of more than 1,000 cubic yards;
- (d) Any Clearing of more than fifty percent (50%) of the Lot's area or more than 40,000 square feet, whichever square footage is less, but not including Lots with an area of 10,000 square feet or less.

(2) Exemptions

The provisions of this by-law shall not apply to the following activities:

- (a) Construction of walkways, patios, driveways, gardens, Landscaping, walls, swimming pools, or replacement of wells or septic systems on Lots having an existing dwelling providing the activity is on an existing or proposed Slope of fifteen percent (15%) or less;
- (b) Construction, reconstruction, maintenance or resurfacing of any public way or the installation of drainage structures or utilities within roadway layouts and easements, provided the activity is undertaken by the Town of Framingham, or the stockpiling of sand, gravel, stone, soil and salt at facilities operated by the Town of Framingham;
- (c) Activities undertaken in connection with the refurbishing of an existing athletic field, or with the management of town owned park, or with the management of privately owned lands held by non-profit conservation organizations, or in connection with the management and operation of golf courses;
- (d) Activities undertaken in connection with any existing sand and gravel operation or similar enterprise where such activity is allowed by zoning, but shall not include expanded operations;
- (e) Work in connection with an agricultural use directly related to planting, cultivating or harvesting or the raising or care of animals, or conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan, or agricultural uses on parcels of land of more than five acres as specified in M.G.L. Ch. 40A, §3, or harvesting of trees on property under M.G.L. Ch. 61 approved by a State Forester;
- (f) Activities in accordance with the terms of an Order of Conditions issued by the Conservation Commission pursuant to M.G.L. Ch. 131 §40, or Framingham Wetlands Protection By-Law, Article V, §18 of the Framingham General By-Laws or mosquito control projects under the jurisdiction of the United States Army Corps of Engineers, except for land disturbance activities on uplands adjacent to a wetland resource area;
- (g) Removal of Hazardous Trees, as defined herein;
- (h) Removal of a tree following a tree removal public hearing, pursuant to the Public Shade Tree Act M.G.L. Ch. 87, when required;
- (i) Routine maintenance of vegetation, removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, containment of invasive or noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) approved Forest Management Activities, or Conservation Commission Order of Conditions, or remediation of an identified fire or health hazard or threat to public safety or property;
- (j) Non-commercial cutting for fuel, provided that clear-cutting does not occur as provided herein.

(3) Non-Avoidance of Provisions of By-Law

The provisions of this By-Law shall apply to all Lots in existence on (May 2, 2007). Any segmentation or phasing of a development, or the subdivision or division of land subsequent to the effective date of this By-Law, unless otherwise exempted by law, shall be subject to and must comply with the provisions herein. All thresholds established in Section(c) of this By-Law shall be calculated based upon the Lot(s) in existence as of the effective date of this By-Law. The Planning Board shall not approve any Land Disturbance application if the land or parcels of land were deemed one Lot on the effective date of this By-Law or at any time subsequent thereto, except after considering the compliance of the entire Lot with the provisions of this By-Law.

d. Special Permit Application and Procedure

The Planning Board shall be the special permit granting authority for the issuance of a Special Permit for Land Disturbance. Such special permit application shall be submitted, considered, and issued only in accordance with the provisions of this Section IV.H.2 and M.G.L. Ch. 40A, § 9. Prior to filing an Application for Special Permit for Land Disturbance, potential Applicants are strongly encouraged to meet in a pre-application conference with the Planning Board to discuss the review process.

- (1) Any person who desires a Land Disturbance Special Permit shall submit a plan prepared and stamped by a Professional Engineer and a Professional Land Surveyor each registered in the Commonwealth of Massachusetts, at a scale of one inch equals twenty feet (1"=20") showing:
 - (a) North arrow, scale, and date;
 - **(b)** Locus map showing the parcel in relation to the surrounding properties;
 - (c) Name of record owner(s) of land shown on the plan;
 - (d) Boundaries and existing and proposed topography of the property, including contours at a 2-foot interval, using (National Geodetic Vertical Datum 1929) NGVD29 as it may be updated from time to time and specifying NGVD29 on all elevation drawings, specifically indicating the areas on which the activity is proposed to occur, and clearly noting if the activity is on an area greater than 4,000 square feet or on Slopes 15% or greater;
 - (e) The size and location of all existing and proposed buildings, structures, utilities, roads, driveways, parking areas, and areas of cut and fill on the site and the location of all structures on abutting properties within 100 feet of the property lines of the parcel;
 - (f) Property lines, easements and/or other legal rights within the property lines;
 - (g) All wetlands and wetland resource areas as defined in M.G.L. Ch. 131, §40, and the Framingham Wetlands Protection Bylaw, Article V, §18 of the General By-laws, drainage patterns, and watershed boundaries. Also include a delineation of the 100-year floodplain and all bodies of water, including vernal pools, streams, ponds, and coastal waters within 125-feet of the project site/limit of work and the delineation of a 30-foot no-cut/no alteration zone;
 - (h) Submission of a scaled landscape plan that delineates on a single sheet the existing vegetation both on the Lot and in the right-of-way, the vegetation to be removed or relocated, the re-vegetation and the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. Include a planting plan to ensure permanent re-vegetation of the site except for Disturbed Areas that will be covered by gravel, hardcape or a building or structure. If applicable, include:
 - (i) Upland vegetational communities, including trees, shrub layer, ground cover and herbaceous vegetation;
 - (ii) Size and height of trees, of Specimen Trees and/or significant forest communities;
 - (iii) Location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program;
 - (i) The location of any proposed stockpile locations;
 - (j) Detailed drawings and design calculations of all temporary and permanent stormwater management and Erosion and Sediment control structures and devices;

- (2) Applications for a Land Disturbance Special Permit must be accompanied by a narrative containing the following elements:
 - (a) A narrative description of the methods to be employed and the means proposed to provide Erosion and Sedimentation control, to protect groundwater, to control dust and to protect abutting properties and/or adjacent areas;
 - (b) A description of the project's phases as they relate to land disturbance, including a tabulated sequence of construction and a construction schedule which must include the inspection and maintenance of Erosion Control Measures for the project throughout the construction period and the timing of vegetation Clearing, transplanting or replacement in relation to other construction activities;
 - (c) A description of BMP as they relate to Erosion control to be employed as the standard of performance in development of the project site;
 - (d) A narrative description of pre and post-construction Stormwater Runoff Analysis showing that Stormwater Runoff will be controlled as required by the Findings and Conditions of Approval, accompanied by design calculations using generally accepted analytical tools;
 - (e) Information on predominant soil types and Erosion potential on the site from the Natural Resource Conservation Service:
 - **(f)** A detailed description of the type of Fill to be used on site;
 - (g) A narrative documenting the species and quantities of Specimen Trees and/or other vegetation to be removed or relocated within the project area;
 - (h) If applicable, include a statement prepared by a certified arborist for the proposed relocation of any existing Specimen Tree explaining how said tree is to be relocated and maintained.
- (3) Photographs of the site prior to disturbance shall accompany the application.
- (4) Based upon the size or character of the project including the scope of activity, area of disturbance and the percent slopes on which the work is to occur, the Planning Board may require additional information or may waive some or all of the requirements of the Land Disturbance application.
- (5) The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity or potential impact warrants the use of outside consultants. Such consultants shall provide comment upon the project in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant in accordance with Article 16 of the Planning Board Rules and Regulations.
- (6) The applicant shall make all requests for waivers in writing. The Planning Board may require the applicant to submit supporting technical information and documentation to demonstrate why such waivers should be granted. The Planning Board's decision to grant or deny waivers shall be in writing and shall set forth the reasons for the grant or denial.

e. Findings and Conditions of Approval

The Board shall not approve any application for a Land Disturbance Special Permit unless it finds that, where applicable, the following requirements shall be met:

- (1) Site Management and Control
 - (a) Building envelopes for structures, driveways, wastewater disposal, lawn areas and utility work are designed and delineated in a manner to limit land disturbance to the greatest extent possible;
 - (b) Suitable areas are designated for temporary uses such as the parking of construction vehicles, trailers and stockpiling of equipment and materials;
 - (c) All waste products, grubbed stumps, slash, construction materials, etc., shall be lawfully disposed of and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch;
 - (d) During construction, temporary Erosion and Sedimentation control measures are employed in accordance with the approved plan and the BMP until a Disturbed Area is permanently stabilized;
 - (e) Permanent Erosion control and vegetative measures are in accordance with the BMP;
 - **(f)** The duration of disturbance is set forth in a written timetable;
 - (g) Dust control is used throughout construction;
 - (h) Throughout the duration of construction, a gravel apron of at least fifteen (15) feet wide and at least twenty-five (25) feet long is required at any site access from a paved public way to prevent unstable material from being transported onto the roadway by vehicle tires.
- (2) Control of Stormwater Runoff
 - (a) Whenever possible, the natural topography of a site is preserved so as to reduce unnecessary land disturbance and to preserve natural drainage patterns on the site;
 - (b) The project does not increase the rate, concentration or velocity of runoff from the site, and the project shall minimize the volume increase of runoff from the site to adjoining properties;
 - (c) There is no adverse impact to abutting properties from any change in volume of Stormwater Runoff resulting from land disturbance activities including but not limited to Erosion, silting, flooding, Sedimentation, subsidence or impacts to wetland, groundwater resources, septic systems or wells;
 - (d) There is no adverse impact to groundwater resources in terms of quantity or quality.
- (3) Protection of Natural Features and Vegetation
 - (a) Endangered species and wildlife habitats and corridors, natural landscape features, and scenic vistas and views are protected to the maximum extent feasible. Buildings, structures or parking facilities are sited away from the crest of hills in a manner not to detract from the site's scenic qualities;
 - (b) Open space and Specimen Trees are preserved in the site's design and development, giving priority to retention of existing stands of trees, trees at the site perimeter, and contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions);

- (c) Forested areas are preserved to the maximum extent feasible if they are associated with significant forest communities as defined herein; wetlands, waterbodies and their buffers; critical wildlife habitat areas; and Slopes over 15%;
- (d) During Clearing and/or construction activities, all vegetation to be retained will be surrounded by temporary protective fencing or other measures before any Clearing or grading occurs, and maintained until all construction and site work is completed and all construction equipment and debris is removed from the site;
- (e) Where the site is not proposed to be covered with gravel, hardscape or a building or structure, a planting plan to ensure permanent re-vegetation of the site, including but not limited to providing a loam depth of not less than six inches (6") for areas to be planted, has been provided by means of adequate revegetation techniques;
- (f) Existing grade will be maintained around trees such that the ground level is not raised over the root area.
- (4) Protection of Historic Resources
 - (a) Reasonable measures are employed to protect historic resources including but not limited to historic landscape features both above and below ground, buildings, structures, objects, stone walls, foundations, designed landscapes and gardens.

f. Additional Requirements, Conditions, Limitations and Safeguards

In granting approval of an application the Planning Board may impose additional requirements, conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include but are not limited to:

- (1) Controls on the location and type of access to the site during all site activity;
- (2) Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours during all site activity (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);
- (3) Conditions to minimize off-site impacts on traffic and environmental quality during site activity;
- (4) Requirements for screening from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- (5) Conditions to mitigate adverse impacts to the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation or snow storage;
- (6) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended;
- (7) Submission of a response from the Massachusetts Historical Commission (MHC) and the Framingham Historical Commission regarding the potential for archaeological or historical resources on the site, as may be applicable;
- (8) Submission of homeowner's or condominium documents which shall provide for the long term operation and maintenance of all permanent Erosion control and stormwater management measures;
- (9) Requirement of a cash performance guarantee to ensure compliance with these requirements. With the approval of the Board, the applicant may substitute an irrevocable letter of credit or performance bond from

a bond company or financial institution acceptable to the Town of Framingham in lieu of the cash performance guarantee. Any performance bond or letter of credit shall be executed and maintained by a financial institution, surety, or Guarantee Company qualified to do business in the Commonwealth of Massachusetts.

- (10) Requirement to record the Special Permit decision with the Registry of Deeds or Registry District of the Land Court prior to commencement of any land disturbing activity authorized under this Special Permit, the applicant shall submit to the Planning Board written proof of such recording.
- (11) Submission in writing of the name and contact information of the person who is responsible at all times for the land disturbing activity that is the subject of the application. Said person shall ensure that the approved activity takes place in accordance with the application, plan and special permit requirements.

The applicant, when other than the owner(s), and the owner(s) of land will be responsible for conditions which are required as part of a favorable decision for issuance of the Special Permit.

g. The Planning Board may deny a Land Disturbance Special Permit if it determines:

- (1) The requirements of Section IV.H.2. herein are not met, or
- (2) The project violates or circumvents other provisions of any Town zoning by-law or regulation, or
- (3) The project received a variance issued by the Zoning Board of Appeals from the requirements of Section IV.H.2. herein without first receiving a favorable recommendation from the Planning Board.

h. Enforcement

The Building Commissioner shall have the power and duty to enforce this by-law, and special permit decisions, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- (1) Penalties. Any person who violates any provision of this By-Law, regulation, or permit issued hereunder, shall be subject to fines, civil action, and criminal prosecution as appropriate.
- (2) Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D. If non-criminal disposition is used, any person who violates any provision of this By-Law, regulation, order or permit issued hereunder, shall be assessed a penalty of \$25 for the first offense, \$100 for the second offense, \$200 for the third offense, and \$300 for subsequent offenses. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (3) Remedies Not Exclusive. The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

i. Severability

Any determination that a particular provision or set of provisions in this Section IV.H.2 are invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this Section.